

**Departmental Advisory Committee on the Commercial Operations of  
U.S. Customs & Border Protection and Related Homeland Security  
Functions (COAC)**

February 13, 2008

Border Security Regulations Branch  
Office of Trade, U.S. Customs & Border Protection  
1300 Pennsylvania Ave. (Mint Annex)  
Washington D.C. 20229

Re: Comments in response to the Notice of Proposed Rulemaking  
FR Doc E7-25306 filed 12/31/07  
Importer Security Filing and Additional Carrier Requirements

Dear Sir:

The Commercial Operations Advisory Committee (COAC) hereby submits the following recommendations in response to the above-referenced Notice of Proposed Rulemaking.

Before providing its comments, COAC wants to make clear that the committee agrees that US Customs & Border Protection (CBP) requires additional data to perform proper national security screening of cargo destined for the United States. However, from our perspective, the advance data element requirement will only be successful if implemented in a manner that (1) achieves the national security aims of the Importer Security Filing (ISF), (2) will not unduly burden the US import supply chain, (3) will not disrupt other CBP systems and programs, and (4) will result in solid, short term tangible accomplishments, leading to a successful and effective long term implementation. This implementation must be accomplished with the participation and cooperation of the trade in the truest sense to the term "public-private partnership".

Summary of recommendations:

1. CBP should use a phased approach to the operational implementation and enforcement of the ISF requirements sufficient to allow the trade and the Agency adequate time to take the steps necessary for effective implementation without an undue disruption to commerce or to CBP's information systems. COAC recommends that the effective date for all filers be projected to be 12 months from the time of the effective date of the final rule, subject to implementation progress.
2. The proposed imposition of liquidated damages in connection with the ISF is unnecessary and should be deleted.
3. There must be no "linking" of the data elements in the ISF. Instead filers should transmit all required information in an established format, allowing CBP to manipulate the data to best achieve effective security screening.
4. There must be a timely confirmation message (with a unique identification number issued) indicating that the security filing has been completed, filed and accepted.

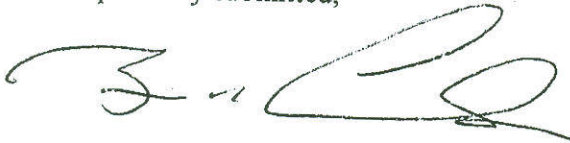
- This would provide required assurance to the filer, forwarder/consolidator and the importer of record, and greatly contribute to the success of the ISF.
5. The type, length, and definition of each required data element must be clearly described in the regulations and any accompanying instructions, so that filers may properly program their IT systems to accommodate the ISF.
  6. The ISF and the SAFE Framework of Standards promulgated by the World Customs Organization should be harmonized.
  7. The carrier messaging requirements must be clearly defined so that the carriers may carry out an effective implementation of their portion of the security filing requirement.
  8. We strongly recommend a more realistic and collaborative cost, benefit and feasibility study as COAC believes that the costs used are understated in the NPRM.

Finally, we urge that the proposed regulations be initially published as an Interim Final Rule, providing details of the data requirements, so that companies can develop or adapt their systems and software to properly transmit the filing.

We trust you will carefully consider and adopt these recommendations. We believe that by working together, the trade and the US Government can best implement a program to protect our national security while at the same time facilitating the legitimate trade on which our country and its economy so heavily depends, especially in these volatile economic times.

Your reply, or request for any additional information you may require, may be sent to the undersigned at the address below.

Respectfully submitted,



Bruce H. Leeds, Esq.  
Chair, Commercial Operations Advisory Committee

CC: CBP Commissioner Ralph Basham

Reply to:

Commercial Operations Advisory Committee  
c/o The Boeing Company  
Attn: Bruce Leeds, M/C D800-0027  
3855 Lakewood Blvd.  
Long Beach, CA 90846